



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-9
600 ARMY PENTAGON
WASHINGTON, DC 20310-0400

DAIN-PRT (600-85)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Positive Tetrahydrocannabinol (THC) Delta-8 drug test results reported to the National Instant Criminal Background Check System (NICS)

1. To effectively deter substance misuse and provide timely assistance to Soldiers impacted, the Army added Delta-8 THC to the drug testing panel on 9 July 2021.
2. Positive Delta-8-THC test results are reported by drug test laboratories under the drug class CANAB, with THC8 (Delta-8-THC) denoted. All illicit positive drug test results, including positive Delta-8 THC results, are reported to The National Instant Criminal Background Check System (NICS) by the U.S. Army Criminal Investigation Division. NICS established as a result of the Brady Handgun Violence Prevention Act of 1993 (Brady Act), is the Federal Bureau of Investigation's national system that checks records on persons who may be disqualified from receiving a firearm. Individuals determined to have unlawfully used a controlled substance are prohibited from purchasing or possessing firearms for one year following a positive drug test result.
3. Delta-8-THC is a cannabinoid component of *Cannabis sativa* that is a double bond isomer of Delta-9-THC, the psychotropic component of marijuana. Delta-8-THC can be synthesized from Cannabidiol (CBD) derived from the hemp plant. Although less psychotropic than Delta-9-THC, which is also part of the Army drug test panel, Delta-8-THC does have psychotropic properties and is marketed as candy gummies and as electronic cigarette solutions. Products containing Delta-8-THC are not regulated by the Food and Drug Administration and are often mislabeled as to both their Delta-8-THC and Delta-9-THC content. Use of unregulated and mislabeled products is harmful to the health of Soldiers, affects readiness and undermines the Army's surveillance drug testing program. As a result, the use of hemp/CBD products is prohibited in Army Regulation 600-85, para. 4-2, as directed by the Department of Defense. Use of hemp/CBD products is a violation of Article 92, UCMJ.
4. This memorandum amends the 'Update to the Department of Army Drug Testing Panel: Tetrahydrocannabinol Delta-8.'
5. Point of contact for this memorandum is Carolyn Massiah, HQDA G-9 Army Substance Abuse Program Specialist, carolyn.a.massiah2.civ@army.mil

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